

REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After the foregoing Amendment, Claims 1-3, 5, 7-10, 12, 14-17, 19, 21, 27, 29, 30, 32, 33, 35-39, 41, and 44-47 are pending in the present Application. Claims 4, 6, 11, 13, 18, 20, 22-26, 28, 31, 34, 40, 42, and 43 have been canceled without prejudice or disclaimer. Claims 1, 7, 8, 14, 15, 21, 27, 30, 32, 35-37, and 39 have been amended. Support for the amendment of Claims 1, 7, 8, 14, 15, 21, 27, 30, 32, 35-37, and 39 can be found at least at Fig. 11 and its corresponding description in the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 38 and 44-47 stand rejected under 35 U.S.C. § 101; Claims 39 and 41-42 stand rejected under 35 U.S.C. § 102 as being anticipated by Kawara (U.S. Patent No. 5,838,872); Claim 43 stands rejected under 35 U.S.C. § 103 as being unpatentable over Kawara; Claim 40 stands rejected under 35 U.S.C. § 103 as being unpatentable over Kawara in view of Tanaka et al. (U.S. Patent Publication No. 2004/0047610, hereinafter Tanaka); and, Claims 1-3, 5-10, 12-17, 19-21, 27-38 and 44-47 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tanaka in view of Kawara.

As Claims 40 and 43 have been canceled, Applicant respectfully submits that the rejections pertaining to these claims have been rendered moot.

REJECTION UNDER 35 U.S.C. § 101

The Official Action has rejected Claims 38 and 44-47 under 35 U.S.C. § 101 as allegedly being directed to a data recording medium storing nonfunctional descriptive material.

As previously noted, Claims 38, and Claims 44-47 by virtue of their dependency, recite a product-by-process form as recognized in the Official Action at page 2. Accordingly, these claims are statutory.

The Official Action seems to take the position that regardless of the fact that Claims 38 and 44-47 are proper product-by-process format, this statutory claim format is somehow trumped by a recording medium rule. While it is recognized that MPEP § 2106 outlines patentability guidelines for data structures presented in a recording medium format, this has no bearing on the patentability of Claims 38 and 44-47, which are now product-by-process claims. The fact that product-by-process claims recite a recording medium product does not impact the fact that product-by-process claims are statutory and the determination as to their patentability is not controlled by MPEP § 2106, IV.B.1.

Accordingly, Applicant respectfully requests that the objection of Claims 38 and 44-47 under 35 U.S.C. § 101 be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The Official Action has rejected Claims 39 and 41 under 35 U.S.C. § 102 as being anticipated by Kawara (U.S. Patent No. 5,838,872). The Official Action contends that Kawara discloses all of the Applicant's claim limitations. Applicant respectfully traverses the rejection.

Amended Claim 39 recites, *inter alia*, a transfer stream reproduction device, including:

- means for acquiring an entry point map from said recording medium,
- means for comparing the PTS listed in said entry point map with a designated reproduction start position,
- means for searching the entry point adjacent to said specified reproduction start position, and,
- means for controlling said reproduction section so that read-out of transport packets of said transport stream start from the nearest entry point

of said designated reproduction start position of said recording medium;
and,

Kawara describes a device for intra-coding video data. The intra-coded video data is formatted in accordance with the MPEG-2 standard, and includes groups of pictures (GOP), which are written to physical sectors on a recording medium.¹ The specific arrangement of the intra-coded video includes auxiliary data corresponding to groups of intra-coded data. The auxiliary data is located anterior to the intra-coded data.²

In this way, when the video is to be accessed from the underlying recording medium during a high-speed reproduction operation, the top sector address among a plurality of sector addresses, at which the auxiliary data of a succeeding GOP is recorded, is recorded on the recording medium as a jump address among the auxiliary data of a preceding GOP. As a result, access linearity in the reproduction operation is exhibited.³ As can be appreciated, the jump address of JA and the extra data ED, as shown in Fig. 6.⁴

Conversely, the Applicant's claimed invention, as recited in Claim 39, provides a structure in which an entry point map is retrieved from a recording medium for the purpose of identifying an entry point adjacent to a specified reproduction start position, as presently recited in amended Claim 39. The jump addresses of Kawara are not "entry points," in accordance with Applicant's claims, as jump addresses are used during playback to accelerate playback; they are not used to identify the starting point of reproduction on the disc. Kawara does not disclose or suggest retrieving an entry point map from a recording medium so that the entry point map can be searched for an adjacent entry point with respect to specified reproduction start position, as recited in Applicant's Claim 39, as amended. Claim 41 recites

¹ Kawara at column 5, lines 30-40.

² Kawara at column 8, lines 19-27.

³ Kawara at column 21, lines 50-59.

⁴ Kawara at column 14, lines 35-61.

substantially the same limitations discussed above. Accordingly, Applicant respectfully requests that the rejection of Claims 39 and 41 under 35 U.S.C. § 102 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-3, 5-10, 12-17, 19-21, 27-38, and 44-47 under 35 U.S.C. § 103 as being unpatentable over Tanaka in view of Kawara. The Official Action states that Tanaka discloses all of the Applicant's claim limitations, with the exception of recording a predetermined specified number of source packets on a data recording medium as aligned units, wherein the data length of said aligned units is equivalent to an integer multiple of the sector length of said data recording medium. The Official Action cites Kawara as disclosing this more detailed aspect of the Applicant's invention and states it would have been obvious to one skilled in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claims. Applicant respectfully traverses the rejection.

As discussed above, Kawara does not disclose or suggest the element of the pending claims for which it is asserted, namely, the recording or retrieval of an entry point map from the recording medium for identifying an entry point. Thus, Tanaka does not remedy the deficiency discussed above. Neither Kawara alone, or in combination with Tanaka, can be properly asserted as disclosing, or suggesting, Applicant's claims, which include the above distinguished limitation by virtue of independent or dependent recitation. Therefore, the Official Action does not provide a *prima facie* case of obviousness with regard to Claims 1-3, 5-10, 12-17, 19-21, 27-38, and 44-47. Accordingly, Applicant respectfully requests that the rejection of Claims 1-3, 5-10, 12-17, 19-21, 27-38, and 44-47 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-3, 5, 7-10, 12, 14-17, 19, 21, 27, 29, 30, 32, 33, 35-39, 41, and 44-47, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,
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